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09/683,233	12/04/2001	Helmut Ponn	47874.267151	8299
28694	7590	08/11/2004	EXAMINER	
TRACY W. DRUCE, ESQ. 1496 EVANS FARM DR MCLEAN, VA 22101			LUGO, CARLOS	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/683,233

Applicant(s)

PONN ET AL.

Examiner

Carlos Lugo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-17 is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office Action is in response to applicant's request for consideration filed on May 13, 2004.

#### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cable engaged and at a side with respect to the cable seat so as to show a locking or unlocking condition must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant

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will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

3. **Claims 1 and 9 are objected** to because of the following informalities:

- Claim 1 Line 13, change "the side" as –a side–.
- Claim 9 Line 14, change "the side" as –a side–.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. **Claims 1 and 5-7 are rejected** under 35 U.S.C. 102(e) as being anticipated by US Pat No 6,092,845 to Koenig.

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Regarding claims 1,5 and 7, Koenig discloses a vehicle lock device comprising a lock casing (20).

A cable sheath (90) is fixed in relation to the lock casing (at 86). A cable (94) is displaceable arranged in the cable sheath. An end of the cable is pointing towards the lock casing.

A cable seat (82) is operatively connected to a catch (50).

The lock device also includes a rotary bolt (20) and an element (110) for acting upon the end of the cable.

The cable end is designed, by pushing down the other end of the cable, to be brought into engagement with the cable seat for actuation of the catch. The catch is used to disengage the rotary bolt in order to release a bolt (Col. 5 Lines 35-52).

The cable end is directed for engagement with the cable seat in the unlocked position and is directed to the side of the cable seat in the locked position (Col. 3 Line 59 to Col. 4 Line 9 and Lines 28-32).

As to claim 6, Koenig discloses that the operating device (110) acts directly on the cable end.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. **Claims 2-4 and 8 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,092,845 to Koenig in view of US Pat No 4,691,584 to Takaishi et al (Takaishi).

Regarding claims 2-4, Koenig fails to disclose that the element to act on the end of the cable is a mechanical, electrical device or that uses a memory metal. Koenig discloses that the element is a handle (110).

Takaishi teaches that is known in the art to have a mechanical or electrical device (electric motor 100) to act on the end of the cable (108).

Furthermore, the applicant admits that it will be obvious to one skilled in the art that the device can be one from the list of mechanical or electrical devices claimed.

As to claim 8, Takaishi teaches that a mechanical transmission system (inside 100) is between the operating device and the cable end pointing towards the lock casing (104).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have an operating device, as taught by Takaishi, into a lock device as described by Koenig, in order to change the operating device from manual to automatic.

***Allowable Subject Matter***

8. **Claims 9-17 are allowed.**

**Reasons For Allowance**

9. The following is an examiner's statement of reasons for allowance:

Claim 9 is allowable over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the mechanical transmission system further comprises a reversing arm that, by means of a mechanical actuating element, imparts a torsional movement to the element, so that the element push the cable end.

Koenig discloses that the reversing arm (handle or button) imparts a pushing movement, not a torsional movement to the element, so that the element pushes the cable end.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

10. Applicant's arguments filed on May 13, 2004 have been fully considered but they are not persuasive.

First, with respect to the drawings, the proposed drawings filed on October 3, 2003 are still objected.

The applicant just adds reference numbers 14a and 14b and point out in the specification that these new reference numbers shows the unlocked and locked positions. However, the drawings are still objected because they fail to show the relationship of the cable end with respect to the cable seat in the locking and unlocking position. Therefore, the objection to the drawings stands.

Regarding applicant's arguments that Koenig fails to disclose that the cable end is directed for engagement with the cable seat in the unlocked position and is directed to the side of the cable seat in the locked position (Page 8 Line 23), Koenig disclose this limitation.

Koenig discloses that the cable 94 is in an abutting relation with the cable seat 82. When the cable is pushed, the cable end will push the cable seat (the cable end will be abutting the cable seat 82). When the cable is not pushed, the cable end will not be engaged to the cable seat. The cable seat is the contact surface wherein the cable 94 will engage the plunger 82.

### ***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 703-305-9747. The examiner can normally be reached on 9-6pm EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

CL

Carlos Lugo  
AU 3676

July 22, 2004

  
JOHN WALSH  
PRIMARY EXAMINER